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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,863	03/08/2007	Robert Haes	W004 P01349-US	8184

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EXAMINER

GONZALEZ, MADELINE

ART UNIT	PAPER NUMBER
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1797

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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,863	Applicant(s) HAES, ROBERT	
	Examiner Madeline Gonzalez	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/14/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson (GB 2294649A).

With respect to **claim 1**, Patterson discloses a filter element 10, as shown in Fig. 1, having:

- two pleated filter cloths 11, 12, mounted so that their folds are oppositely directed to form a series of lozenge-sectioned filtration chambers; and
- wherein the end edges of the filter cloths 11, 12, are clamped in an edge strip 34 at each end, as shown in Fig. 5.

With respect to **claim 2**, Patterson discloses wherein said pleated filter cloths 11, 12, are also secured at top and bottom to top and bottom frame members 13, 14, as shown in Fig. 1.

With respect to **claim 3**, Patterson discloses wherein the top and bottom edges of side pleated filter cloths 11, 12, are encapsulated into moulded top and bottom frame members 13, 14, as shown in Fig. 1 (see page 5, lines 25-27).

With respect to **claim 4**, Patterson discloses wherein edge strips 13, 14, are formed as mouldings which provide rigid side elements (see page 5, lines 25-27), and in that said side elements are reinforced by reinforcing members 15, and in that the edge strips 13, 14, are wider than the pleats formed in the filter cloths 11, 12, as shown in Fig. 1.

With respect to **claim 5**, Patterson discloses wherein the reinforcing members 15 includes rods or profiles made from glass, carbon or synthetic fiber reinforced plastics, as shown in Fig. 3 (see page 2, lines 29-31).

With respect to **claim 6**, Patterson discloses wherein the reinforcing members 15 includes fibers, braid or other textiles of glass, carbon or synthetic material (see page 2, lines 29-31).

With respect to **claim 7**, Patterson discloses wherein the edge strips each includes a generally tubular member having a longitudinal slot in one wall thereof into which the end edges of the filter cloths 11, 12, are inserted, and retained by a clamping member 34, as shown in Fig. 5.

With respect to **claim 8**, Patterson discloses wherein the clamping member 34 includes a u-sectioned strip which has one or more surfaces which press the end edges of the filter cloths 11, 12, against the inner face of said slotted wall, and opposed surfaces which bear on the opposed wall of the strip, as shown in Fig. 5.

With respect to **claim 9**, Patterson discloses wherein the clamping member 34 is provided by an indented part of the opposed side wall which is disposed to press the edge regions of the filter cloths 11, 12, against the inner surface of the slotted side wall of the strip, as shown in Fig. 5.

With respect to **claim 10**, Patterson discloses wherein the edge strip is of a generally elliptical cross-section, as shown in Fig. 5.

With respect to **claim 15**, Patterson discloses wherein the edge strips 13, 14, 17, 18, are formed to be complementary so that a plurality of elements can be connected together side to side, as shown in Fig. 1.

With respect to **claim 16**, Patterson discloses wherein one such edge strip 13, is formed with two ribs 17, 18, which leave a channel therebetween, and a complementary edge strip 16 is formed with a single rib which is dimensioned and shaped so as to fit into the channel, as shown in Fig. 2.

With respect to **claim 17**, Patterson discloses wherein similar interconnectable parts are provided on top and bottom frame members 13, 14, as shown in Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (GB 2294649A).

Claim 11 adds the further limitation of wherein the edge strip is of a generally rectangular cross-section.

Claim 12 adds the further limitation of wherein the edge strip provides a curved slotted wall with flanges extending beyond a generally trapezoidal sectioned part.

Claim 13 adds the further limitation of wherein the edge strip is of a waisted oval shape, with opposed faces indented to define a two-lobed cross-sectional shape.

Patterson **lacks** the specific shapes of the edge strip.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a rectangular, trapezoidal or waisted, oval shape to the edge strip disclosed by Patterson since the courts have held that a change in shape is a matter of choice which a person of ordinary skill in the art would have found obvious

absent persuasive evidence that the particular configuration was significant (see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)).

Claim Rejections - 35 USC § 102/103

Claim 14 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Patterson (GB 2294649A).

Claim 14 adds the further limitation of wherein the edge strips are of polyurethane resin, comprising a two-part thermo-setting preparation which sets within 20 minutes of mixing.

Claim 14 is considered to be a product-by-process claim since it is drawn to a product, i.e., edge strips, but it includes a process step of making the product, i.e., "of polyurethane resin, comprising a two-part thermo-setting preparation which sets within 20 minutes of mixing". "Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process" (see MPEP 2113 [R-1], *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (FED. Cir. 1985)).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeline Gonzalez whose telephone number is 571-272-5502. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Madeline Gonzalez
Patent Examiner
December 8, 2007


KRISHNAN MENON
PRIMARY EXAMINER